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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1157 OF 2006
IN
CRIMINAL APPEAL NO. 1069 OF 2006

Lailasha Landya Kale ... Applicants
(Ori. Accd.Nos. 2)

V/s

The State of Maharashtra ... Respondent

Mr. Uday Warunjikar for the applicant.

Mr. A.S. Shitole, A.P.P. for the respondent.

CORAM: D. G. DESHPANDE &
SMT. NISHITA MHATRE, JJ.

DATED: 26TH APRIL, 2007.

P.C.:

1. Heard the learned advocate for the applicant who is the father of convicted accused No.1 and the learned A.P.P. for the State.

2. Mr. Warunjikar contended that the only evidence against this applicant accused is that he helped accused No.1 while kidnapping the victim and apart from that there is no evidence that this accused inflicted any blows. He also contended that the accused is 65 years of age. There is no other earning member in his family.

He has to maintain a large family and he is in custody for the last two years and, therefore, considering all these aspects he may be released.

3. The learned A.P.P. opposes this application to the effect that, not only this accused abducted the victim but he also put the victim in custody till his death. The accused was present when the victim was mercilessly and cruelly beaten by knife on every part of his body which was slashed with his weapon. The accused also had a strong motive of recovering the amount from the victim and apart from that the accused is financially sound and one of his son is Zilla Parishad primary teacher and, therefore, considering these aspects, according to him, the bail application should be rejected.

4. We have given our anxious consideration to the submissions made. The case of the present accused is that his son was driving the motorcycle. The victim was taken on the motor cycle forcibly and then he was taken to the corporator for payment of loan. The corporator asked both the accused to let off the victim but they did not do so. They took him to their house. The victim was asked to sign some blank documents. When he refused, he was asked to remove all his clothes and on every part of his body injuries were inflicted. Apart

from these, from the submissions made by the learned A.P.P. regarding the financial position of accused, we do not find that this is a fit case for grant of bail.

4. Hence, the prayer for bail is rejected.

5. Application stands disposed of.

(D.G. DESHPANDE, J.)

(SMT. NISHITA MHATRE, J.)